

U.S. Patent Application Serial No. 10/608,677
Reply to Office Action dated August 2, 2005

REMARKS

In the subject Action, the Examiner rejected claims 1-4 and 6-8. Applicant has amended claim 8. Applicant has canceled claim 1 without prejudice or disclaimer above. Claims 2-4 and 6-8 remain pending in the present application. No new matter has been entered. In light of the foregoing amendments and the following remarks, Applicant respectfully requests a Notice of Allowance.

Rejections Under 35 U.S.C. §102

In the subject Action, the Examiner rejected claims 8 and 4 as being anticipated by Sundback under §102(b). Applicant has amended claim 8 by including the limitations of claim 1. As the Examiner recognized by his rejection of claim 1 under §103 rather than §102, Sundback fails to disclose or suggest all limitations of claim 8. Claim 8 is therefore not anticipated by Sundback.

Claim 4 is dependent claim and so is also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

In view of the above, Applicant requests the Examiner's reconsideration and withdrawal of the rejection.

Rejections Under 35 U.S.C. §103

The Examiner next rejected claim 1 under §103(a) as being obvious over Sundback in view of Marinsky. Applicant has canceled claim 1 and incorporated its limitations into claim 8. The rejection of claim 1 is therefore moot. Applicant further submits that claim 8 is not obvious over the cited references.

As discussed above, Sundback fails to disclose or suggest all limitations of claim 8. Further, Marinsky fails to disclose or suggest what is missing from Sundback. In particular, claim 8 recites that "the fastener tapes are prevented from entering the left and right fastener

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element housings." In contrast, the tapes in Marinsky are not prevented from entering into the left and right fastener element housings. See Figs. 3-5. Note that tape end enlargements (18 and 18a) stop inside the body sections (15 and 15a) in the left and right housings of the slider (12).

Therefore, even if it is proper to combine the cited references, the combination fails to disclose or suggest all limitations of claim 8. Applicant therefore respectfully requests reconsideration and withdrawal of the pending rejection. Claim 8 should be allowable.

The Examiner also rejected claim 2, 3, 6, and 7 under §103(a) as being obvious.
Applicant traverses this rejection

Claims 2, 3, 6, and 7 are dependent claims and so are also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserve the right to make additional arguments as may be necessary. Applicant respectfully requests reconsideration and withdrawal of the pending rejection.

Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at 612.336.4611 to discuss the same.

Respectfully submitted,



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